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MEMO ENDORSED

The Application is granted. *The Clerk will*

SO ORDERED: *Per minute No. 363.*

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: *Dec. 6, 2014*

November 24, 2014

VIA ECF AND FACSIMILE

Honorable Paul G. Gardephe
Thurgood Marshall United States Courthouse
40 Foley Square, Chambers 2204
New York, NY 10007-1312

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DATE FILED: *12/8/14*

**Re: Lockheed Martin Corporation v. MTA Capital Construction Company et al.
Transportation Authority Nos. 09 CV 4077 and 09 CV 6033 (PGG) (GWG)**

Dear Judge Gardephe:

Our firm represents Plaintiff Lockheed Martin Corporation and the Surety Plaintiffs in this action. The Court's Order of November 12, 2014 (ECF No. 357) provides for filing of the brief and proposed findings of fact and conclusions of law today November 24, 2014. We will file but anticipate that the actual filing will take place after midnight and will be recorded as having been made on November 25, 2014 though made in the early morning hours of the 25th. We respectfully request the Court's indulgence in this matter. The date of December 5, 2014 for responses is not affected and no relief is being requested.

We have conferred with Ira Lipton, MTA's attorney. He is not asking for any similar relief but does not object to our request.

Thank you for considering our request.

Respectfully,

Michael Chartan

Michael Chartan (MC4609)

November 24, 2014

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CC: Ira Lipton, Esq. (via email and ECF)